

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JEREMY MOUZON,)
Petitioner,)
v.) CIVIL ACTION NO.
JOHN RATHMAN, Warden,) 2:10-cv-2139-WMA-PWG
Respondents.)

MEMORANDUM OPINION

Petitioner Jeremy Mouzon, *pro se*, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, contending that he was improperly sentenced in the District of South Carolina as an “armed career criminal” under 18 U.S.C. § 924(e). The magistrate judge entered a report recommending that the petition be dismissed for lack of jurisdiction because it is not authorized by the “savings clause” of 28 U.S.C. § 2255(e). (Doc. 21). No objections have been filed.

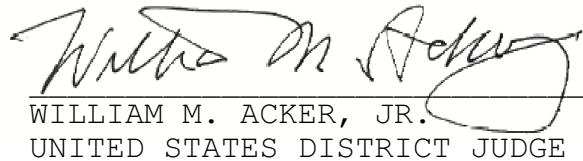
The court has considered the entire file in this action together with the magistrate judge's Report and Recommendation has reached an independent conclusion that the magistrate judge's Report and Recommendation is due to be adopted and approved. Accordingly, the court hereby ADOPTS and APPROVES the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accordance with the recommendation, this action is due to be DISMISSED for lack of jurisdiction.

The court also notes that Mouzon has formally pending a motion for a preliminary injunction and for a related hearing (Doc. 14), which he has since moved to have “dismissed.”

(Doc. 20). Accordingly, the motion to “dismiss” the motion for a preliminary injunction and hearing (Doc. 20) is due to be GRANTED, and the motion for a preliminary injunction (Doc. 14) is due to be deemed MOOT.

An appropriate final order will be entered.

DONE this 26th day of September, 2011.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE